

**E. Applicants Request that the Examiner Withdraw the Rejection Under 35 U.S.C. 102(b) Over Pescitelli, U.S. Patent No. 5,845,256**

In the Office Action dated May 16, 2002, the Examiner rejected claims 11-16 and 18-20 over Pescitelli, U.S. Patent No. 5,845,256. Applicants argued that Pescitelli does not anticipate the invention for a number of reasons enumerated on pages 13-15 of the Amendment dated August 16, 2002. Although the rejection over Pescitelli was not expressly withdrawn, Applicants assume that, since such rejection has not been repeated, they have successfully distinguished the invention over Pescitelli and that this rejection has been withdrawn. Applicants respectfully request that the Examiner make an express withdrawal of said rejection.

**CONCLUSION**

Applicants submit that, upon entry and consideration of this Amendment, the application is ready for allowance. A check in the amount of \$740.00 has been submitted with this Request for Continued Examination. It is believed that no further fees are due in connection with this Request and Amendment. If any fees are due, please charge Deposit Account No. 50-0206.

Respectfully submitted,

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**APPENDIX A**


Marked-up Versions of Amended Specification

Page 4, first full paragraph, beginning “In the embodiment illustrated in Fig. 1, . . .”

In the embodiment illustrated in Fig. 1, the receiver 106 is connected to a point of sale (POS) device 108 for conducting a commercial or other transaction. For instance, the point of sale device 108 may be or include any of several commercially known electronic cash registers or related transaction processing equipment, such as point of sale terminals manufactured by Sharp Corp. or others. In one embodiment of the invention, transponder 102 may be embedded within a personal article 130 for convenience, aesthetic and affinity purposes. In that regard, the invention has been integrated in one implementation within a fully functional watch manufactured by the Swatch Corporation. Embedding in other personal articles 130, such as key chains, pagers, clothing or other items is also possible.

Page 4, final paragraph, beginning with “In the operation of the invention . . .”

In the operation of the invention, a user who has subscribed to the account system of the invention may approach the receiver 106 at the point of sale device 108 to initiate and complete a purchase or other transaction, such as at a restaurant or grocery market checkout line, or other points of sale 128. In the embodiment illustrated in Fig. 1, transponder 102 contains an encoded transponder ID 110, which may for instance be a 5-digit number or other identifying information. In this embodiment, transponder 102 may also store an account table 112 directly recording account information for the subscribed user of the transponder 102. The account table 112 may be or include, for instance, an indication of an account number, balance, limit and other information for a debit account, a cash account, a credit card account, special premises account



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for internal use such as by employees, or other account information associated with users of the system.